

THE REMEMBRANCER, OR DEBTORS PRISON RECORDER.

"HE WHO'S ENTOMB'D WITHIN A PRISON'S WALLS
ENDURES THE ANGUISH OF A LIVING DEATH"

VOL. I.

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No. 3

THE
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IMPRISONMENT FOR DEBT.

(Continued from page 15.)

Among the Romans the debtor was
made by law a slave to his creditor,
and the creditor could ever take the
life and children of his debtor for his
slaves. What would the people of
America say, if Congress should pass
a law compelling the debtor to work
as a slave for his creditor? Would
they not declare such a law unconsti-
tutional? Would they not rise up in
their irresistible might, and hurl from
office every representative who should
are to vote for such a law? Would
not the judges of the land declare it
void, and refuse to enforce it? And
all men feel indignant against it? Would
not that sensitive principle among
the people of the north which has
excited so much passionate sym-
pathy in behalf of *black* slaves take
alarm at the idea of making *white* slaves
of debtors? Without doubt the Amer-
ican native would rise up against such
monstrous principle, from one end

of the Union to the other, every vil-
lage in the land, between St. Mary's
and the Maine, would be in uproar,
and clergymen, judges, orators, edi-
tors, statesmen and demagogues, would
all hurl their fulminations against the
establishment of such a horrid prece-
dent, and denounce every creditor for
an unfeeling villain who should have
the impudence to support it in any
shape. But let us enquire a little, and
ask ourselves, if permitting the credi-
tor to turn his debtor into a gaol to
*starve—to starve in secret, unseen, un-
pitied and unknown*, is not quite as in-
human and unprincipled as to permit
the creditor to make his debtor a *slave*?
Let us examine and compare the two
different powers and their consequen-
ces both as they affect the interests of
the debtor and creditor, and the hap-
piness of the community. In the case
of the debtor who is compelled to be
a *slave* for his debt, he is employed in
some occupation to which his talents
and disposition is best adapted and
from which his creditor can derive
most benefit. There is much more
propriety and good sense, a much bet-
ter adaptation of suitable means to a
definite end, in making a debtor a
slave to work for the payment of his
debt than in shutting him up in a gaol
where he can do no work, and where
he must be an expense to the commu-
nity, or starve to death for want of
food. Working for his creditor he
may not only pay for his food and
cloathing, but he may become profita-
ble by his labour to his creditor, and
through his services compensate for

his debt. But of what possible use can it be to a creditor to take his debtor and confine him within the firm walls of a prison? To be sure the law calls this a "*legal satisfaction*;" but it is like many other *legal* things, very absurd, very wicked, and quite a disgrace to the jurisprudence of this enlightened and humane age. What satisfaction can it be to any man of sense and justice to take a fellow being, for a debt which he cannot pay, and confine him to a gloomy, hopeless, unprofitable imprisonment? It may gratify malignity and revenge; yet who but a wretch unworthy of society could carry those bad passions to such an extent as to take away the liberty of a fellow being for the wanton wicked pleasure of doing so? It is only bad men who can use the law of imprisonment, and it is a just argument against this law, that good men cannot in conscience enforce it. Why should we pass laws which only bad men may use, and good men *cannot*? Having asserted that it would be better for the *Creditor* that his debtor should be his slave and work for him, I now assert that it also would be better for the *Debtor*. The misery of the debtor confined in a prison, without support, without fire in winter, without a nurse or doctor in case of sickness, without occupation, and almost without *air*, is much more terrible than it is generally believed to be. Let no man tell me that debtors do not endure these miseries. I assert that they do. If the law is carried into effect according to its letter, by the creditor, the debtor has no fire in winter, and must *freeze*; he is supplied with no food, and being confined, he must *starve*. The law supplies him with neither *fuel* nor *food*, but shuts him up, where neither his industry nor his talent can procure him either one or the other. If he does not freeze no thanks to our *law*; if he does not

starve, no thanks to the *humanity* of the *Christianity* of our *Judges*, our *Juries*, or our *Legislators*. Their *direct* act is to *freeze* and *starve* him to *death*. This is a serious charge, but it is true; and what shall we say of a community that tolerates such an inhuman and diabolical law. It is carelessness, it is want of thought, it is avarice and revenge that occasion such a toleration. It is a national sin over which the *justice* of God cannot sleep, and which he will not fail in some unexpected manner to *punish*. As to the effects which imprisonment has upon the debtor and creditor, we have already discovered that they are productive of no benefit to either, and that the principle of the Roman law which confined the debtor to slavery would be preferable to that which confines him to a gaol. It will readily be perceived that such a principle would also be better for the interest of the community, because in such a case the community would not be compelled, as it now is, to pay the expenses of a Prison, and the humane would be relieved from the necessity of furnishing the unprovided prisoners with fire and food. During the intolerable severity of the last winter, while the poor debtors were threatened at once with all the horrors of freezing and starving in our gaol, I had occasion to visit the prison for the purpose of conveying to a prisoner the news of his discharge. He had remaining in his room three large logs of nut wood which a friend had given to him. The moment I announced to him his discharge, the news fled about the hall, and it was at once a most interesting and painful sight, to behold the debtors flocking around him, and each pressing in his claim for the no longer wanted three sticks of wood. Their countenances betrayed such earnestness, and their begging was accompanied with such evidences of sincere

and distress, that I was sorry I could not preserve, and present the picture to every legislative body and every pious congregation in the land. Picture to yourself 12 or 15 pale emaciated prisoners in our Debtor's gaol, with hollow eyes, with anxious looks and clasped hands, entreating with all the marks of trembling hope for a little food, and compelled by sad necessity to jostle and vie with one another to see who shall have the preference. It is a curious fact that such a scene should be annually exhibited in this enlightened city, and that our *corporations*, our *church assemblies*, and our *Legislatures*, should turn a dull unfeeling ear to every prayer made to abolish the disgraceful, diabolical law.

BENEVOLUS.

Among the few remains of feudal barbarism which now disgrace American jurisprudence and humanity itself, is that of imprisonment for debt. How repugnant to the dictates of our reason, and our better feelings, is the incarceration of the person of a debtor for no other offence than his inability to satisfy the claims of a rapacious creditor? Is it that the delinquent will be better able to pay his debts, after being confined a few months or a year in the pestilential damps of a prison? Or is imprisonment exacted as an equivalent for the debt itself? Not the former, because by being confined he is necessarily prevented from prosecuting any lucrative profession, and, as has been truly said, society loses what his labor would be worth. Not the latter, because he becomes again liable for the amount on his enlargement. Hence the punishment is unjust, without effecting any one object for which penalties were invented.—The public is not benefited—the creditor generally loses his money irrecoverably—and the debtor is frequently turned out upon the world a desperate or a beggar.

Sav. Rep.

As we intend publishing every thing which can throw any light on this very important subject, or awake the people to throw off the shackles which debase them, we hope to interest our readers with the following sketch of the debate which took place in the New-York Senate on the 7th of April 1818, on the bill "to abolish imprisonment for debt and to prevent frauds against creditors."

Mr. Van Buren said, that it had long been his opinion that imprisonment for debt was cruel, oppressive, impolitic and unnecessary—that his opinion was the result of practical observation, and of much experience and reflection. Such too, had been the opinion of liberal and enlightened men in modern times, and in consequence of the manifest injustice and impolicy of the system, it had been so much modified and relaxed by preceding legislatures, that it had become the mere skeleton of what it was, as to any beneficial effects, and yet it retains, in many cases, all its severity and oppression. He did not at this time intend to enter into a full examination of this odious relic of antiquity—to trace its origin or detail its history—or to shew with minuteness its evils and absurdities—such an attempt at this stage of the bill was unnecessary. But as he drew the bill and was also chairman of the committee by which it was reported, it was proper for him to explain its provisions, and to point out the mischiefs which it was intended to remove.

Mr. Van Beuren then proceeded to explain the several sections of the bill in their order. The first section, he observed, was intended to make a proper discrimination between persons who are guilty of no crime but poverty and misfortune, and those who are prosecuted in their nature fraudulent and criminal. We boast of the liberality of our laws, and the mildness and equity of our civil regulations, and yet

we tolerate a system which applies the same rule and inflicts the same penalties upon those who are unable to pay their debts without any intention of fraud, and those who are convicted of murdering the reputation—assailing the person—or destroying the property of their neighbors. If a man is poor, you imprison him—if he is a villain who has defrauded or slandered you, you can do no more. He was surprised that a rule so unjust could have existed so long. He was surprised that a proper line of distinction had not long since been drawn between misfortune and fraud. The first section of the bill makes that distinction. It exempts from imprisonment on execution and the necessity of giving bail on arrest, all persons who are prosecuted for debt merely. But it excepts from this privilege the officer or advocate who retains the money of his client—the person who has imprisoned or assaulted you—the assassin of your reputation—the wilful and malicious destroyer of your property—and these persons ought to be excepted. They are entitled to no favour, and are worthy of no indulgence.

(TO BE CONTINUED.)

MONDAY, APRIL 24.

The Legislature of this state adjourned on Friday, the 14th inst. after a laborious session of several months, in which little else has been done than the discussion of Gov. Tompkins accounts, and which have not at last reached any definitive decision. In this heat and violence, the Debtor has had but little to expect from the interposition of the Legislative authority. Yet even the little which was anticipated is not done; the body act, that offspring of delusion, which whilst it professes to relieve, in effect destroys the Debtor, still exists without alteration or repeal. And imprisonment for

Debt is still continued, and the starving of an imprisoned Debtor goes on also according to law. We have nothing left us at present but the Human Society and Hope, of the charities of the first we are certain, of the latter we only have encouragement.

—
To-morrow is the day which begins the annual election for our State and Representative authorities. But what interest has the Debtor in this great privilege of Freemen. He can indeed hear the tumultuous shout of partizans, but he can add nothing to the aggregate number of votes. The renting of a tenement, and the payment of taxes, now paid, do not entitle him to the elective franchise; the gates with their locks forbid him this office. So it is, Debt is a crime; we must be ruled, we must pay rulers, but we have no right to interfere in the choice of those who shall rule us. "Call this liberty." If so, judgment has fallen to brutish beasts.

SABBATH.—No. II.

This hallowed day has again come round. But the little Church in our Prison is not opened for Divine service. I have therefore passed the morning in perusing the Bible, and also of contemplating the condition of others more miserable than myself, wretched as I am. And I have filled up the remainder of the day in scribbling an account of as unhappy a case as I believe our Prison affords. The Remembrancer with its extensive circulation, attracts the notice, it is believed of many a philanthropist, and if it should be my good fortune to gain the attention of one of those whose hearts are open to relieve distress and to comfort despondence and sorrow I shall deem myself amply compensated, and a generous and enlightened public, will without hesitation excuse any inaccuracies of grammar or word

the tale which I am now about to tell.

It is not long since the Prisoners in this place received a donation of several loads of wood from the Corporation, and also a few loads which were given to several individuals, by the humane keeper of this Prison, whose peculiar circumstances he believed entitled them to this charity. Among the recipients of both these bounties was an individual who has been confined here for several months, and who has a wife and five little children outside, utterly destitute, and like him, penniless. And how do you think, gentle reader, this husband has managed, without money, to give sustenance and fuel, during the last three months, to his helpless family. Oh, I have scarce composure enough to give you a recital—the ration of soup he received from the Humane Society, served him and his family for daily use, with such assistance from time to time, out of the more plentiful supplies of fellow Prisoners, who were furnished by their friends outside, and which enabled them to part with some to bestow on this victim of persecution, misfortune and want. This interesting family reside near the Prison, all huddled together in a single room, and many a time and oft have I seen their sweet little daughter, Ann, bearing from the fathers cell in the Prison, in a small basket neatly covered with a clean towel, to her mother some three or four sticks of wood, with the consent of the keeper, and sweating as she went under her precious load. How delightful is the tender regard and becoming obedience of dutiful children, and the affection and sympathy of a beloved wife, when troubles overwhelm like destroying tempests and hope seems almost to forsake us. Yet, with this scanty supply of wood, this industrious woman earned 2 or 3 shillings a week by washing for poor Prisoners.

The time of the father, while the Prison is open, is employed in teaching his children, but the place of his tuition is a Gaol, amid the noise of doors constantly opening and closing, and the clangor of chains which secure them, seem irresistably to impress the mind, that this is the depot of felons instead of debtors.

Upon a review of the case I have stated, I ask—where is that man—I mean that unfeeling creditor, whose heart would not be rent by a spectacle of woe and suffering like this—yet this may be seen every day in our Prison. Friends of humanity interpose your kind offices! Charitable associations continue your beneficence and take the place of those *Legislators*, who are deaf to intreaties and dumb to sufferings. Your present reward will be great, but how much greater will be your everlasting recompense!

DANVERS.

For the Remembrancer.

THE DRAMA.

Gentlemen,

I have been so much engaged since you issued the first number of your valuable paper, that I have not had leisure to attend the theatre regularly, consequently I could not supply you with those *strictures* I promised. I hold *DRAMATIC* representations to be a species of entertainment calculated.

“To wake the soul by tender strokes of art,
“To raise the genius, and to mend the heart.”

And I regret to find the players lavishing their talents on empty boxes, while balls, concerts, and other amusements are attended by numerous and fashionable audiences.

On Wednesday evening last I attended the Theatre to witness the *debut* of a *gentleman amateur* in the arduous character of Richard III. The curtain rose, and “expectation stood on tiptoe” for the entrance of the “crook’d back tyrant.” At length

the scene changed, and behold the "*blustering hero*" entered, treading the stage with great uneasiness, and reminding me very forcibly of Hamlets address to the player.

"O, there be players, that I have seen play, that neither having the accent of christians, nor the gait of christian, pagan, nor man, have so strutted and bellowed, that I have thought some of natures journeymen had made men, and not made them well, they imitated humanity so abominably."

On his entrance, he (as is usual with *debutants*) received a very general applause; but alas, he had scarce spoken two lines when the audience became completely satisfied of his inability, and murmurs of discontent, mingled with laughter, disturbed the tragic scene. We understand he is the surgeon of the British packet now lying in our harbour, be that as it may, he absolutely physic'd the audience to such a degree, that, before the first act had concluded, nearly one third of his *patients* had left the house; and when he gazed at the blood of king Henry on his sword's point, the contortions of his countenance were such as one of his profession might be supposed to betray when in the act of feeling the pulse of a patient on the brink of eternity.

Notwithstanding, this son of *Esculapius*, "strutted and fretted his hour on the stage" amid continual showers of hisses, with as little concern as if the audience were satisfied with his playing. In short, Richard "died every hour he lived," and the audience retired without being able to point out a single beauty in his whole performance.

The remainder of the *dramatis personæ* did justice to the several parts assigned them, and prevented the audience from yawning.

The afterpiece of High life below stairs, concluded the evenings entertainment. The part of "Lovell," by Mr. Maywood, and "My Lord Duke,"

by Mr. Simpson, were executed in a masterly manner.

The quaint and unusual expressions of a *Jack Tar* almost universally command attention; but upon no occasion perhaps, so much as when they are lodged in Prison. The amounts for which they are committed are almost always below twenty-five dollars, and hence their discharge is immediate. An instance of this kind somewhat peculiar in its character occurred a few evenings since with one of these *Sons of Neptune*; he entered the outer gate, bellowing to Turnkey, "*halloa you in a minute!*" and as he advanced up the stairs with a stentorian voice exclaimed to the deputy keeper, *undulating as he moved* and nobody touching him "*Let go of my hair, Charley!*" He however reached, without accident a shipwreck, his destined port, and was relieved the succeeding morning to the benefit of the *Six and Six pence Act*. So goes poor Jack, one day under lock, the succeeding, ploughing the raging main, either to defend the Star-spangled banner, or to convey the products of our country to a distant land.

Anecdote.—The following singular and pertinent, though strange remark was made by an unfortunate man cast into Prison a few evenings since, "I feel *exposed* to do what is right, and *combine* with my creditors in the best way I can."

It is hardly necessary to add that was delivered in a tone of voice which should awaken sympathy, and an emphasis almost incapable of resistance, yet it had no effect on his creditors who was as deaf to his eloquence, as he was unmoved by his logic and fallacy.

An unfortunate inmate of this Prison, whose only support for six months past has been from that excellent charity, the Humane Society, acknow-

edges with gratitude, a recent liberal donation of provisions from Lieut. F. J. Mitchel, U. S. N. and Mr. Robert Matthews of this city.

REPORT of prisoners committed to, and discharged from the *Debtors Prison* of this city, from the fourteenth to the twenty-first of April inclusive:

April 14—committed 8—discharged 7		
—15—	1—	5
—16—	1—	0
—17—	7—	7
—18—	2—	1
—19—	3—	3
—20—	3—	1
—21—	3—	2
Total—	28—	26

Aggregate number of Prisoners 44, of which 20 are supplied by the Humane Society.

TO READERS AND CORRESPONDENTS.

Our correspondent, "DANVERS," should not forget, in his Sabbath meditations, that the Chaplain attends regularly on Thursday afternoons. He is however invited to continue his essays.

The beautiful poem of "THE DEBTOR RELIEVED," inserted in this days paper, will, we think, be read with unusual interest. Its irregular measure, breaking off abruptly in Air, Recitative and Chorus, can never be appreciated without musical accompaniments. The music for this piece was composed by the celebrated Hook, and can be had in this city. It is a matter of wonder that it has not been among the pieces performed at our Oratorios.

MARRIED,

On Thursday evening, 13th inst. by the Rev. Mr. McClay, Mr. John Hazelett, to Miss Jane Marsh, all of this city.

On the same evening, by the Rev. Mr. Miller, Mr. Thomas M. Sturtevant, to Miss Maria Duryea, all of this city.

DIED,

At Brooklyn, on Monday evening last, Mr. John Bannings, aged 60 years.

POETICAL DEPARTMENT.

THE DEBTOR RELIEVED,

Being a Sketch of a Sacred Ode, set to music by Mr. Hook.

Oh let the sorrowful sighing of the Prisoner come before thee.

See where he lies,

Neglected and forlorn!

From his dear wife and tender infants torn,

Feeding on bitter tears and deep-drawn sighs:

The husband, father, and the man—

See where he lies! dejected, pale, and wan!

Immur'd within the doleful prison's wall,

Depriv'd of every good, men valuable call!

Sun, that from thy golden height,

Scatter'st glory and delight;

Beams, that laughing nature bless,

With universal cheerfulness;—

Ah, glorious sun! for him in vain you glow;

Blank, blank the prospect all:

'Tis dreariness and woe!

Spirit of celestial birth,

"Mountain nymph, sweet Liberty!"

Noblest boon of Heaven to earth,

Oh how good to dwell with thee!

How delectable to rove,

O'er the upland, through the grove,

Unrestrain'd in bliss with thee,

Mountain nymph, sweet Liberty!"

Strike, strike the solemn chord! and weep to view

A free-born *Man*—a Christian too,

Of Freedom take his deep-ton'd, sad adieu!

Thou, cruel *Creditor*, forbear,

What would'st thou more than all?

Enough, enough!—the *Man* in mercy spare;

Ah, why his limbs enthrall?

From his humble home so dear,

Oh, for mercy, do not tear!

See his wife, in sorrow drown'd,

View his infants weeping round:

From Industry his hands restrain!

Merciless!—what can'st thou gain?

Shame, disappointment, curses for thy part;

While hunger gnaws their soul, and anguish rends their heart!

But see—with melting pity in her eye,

Man's genial friend, blest *Charity*,

Religion's eldest, loveliest child,

Led by her parent, meek and mild,

Their anguish views!—

And, as contemplating the mighty woe,

Like the fam'd soldier, fill'd with grief,

Attentive bending o'er his eyeless chief,

"Ah, who, she cried, could help refuse?"

Though law its rigor will not bend,

Nor stern necessity relent;

In pity to their sufferings sent,

We will mercy's arm extend;

We, my sons, will help bestow."

Thus, as she spoke, a generous glow
Of her own flame she did impart
To many a noble, many a feeling heart ?
They caught the fire, and as it spread,
The *Debtor* felt the warmth, and rear'd his
downcast head.

Then 'welcome, thrice welcome'—I heard
his full voice,
In gratitude's deep diapason rejoice :
O welcome, blest freedom, to mortals most
dear,
Lov'd light of the Sun, balmy sweetness of
Air ;

My again cheerful home, my dear children,
my wife,
All the comforts of Man, all the blessings of
life ;

Come my wife, my children join,
Raise the song to strains divine ;

CHORUS.

*Glorious GOD, the first to thee
We lift the heart, we bow the knee ;*

For thou hast heard our plaints, and set the pri-
soner free ;

CHORUS.

*Sons of mercy, sons of Heaven,
Next to them our thanks be given,
Louder still exalt the strain,
These are Patriots, these are Men !*

*Ministring Angels may they be,
Where all are blest—for all are Free !*

For the Remembrancer.

EXTRACTS

FROM A POEM, NEVER PUBLISHED,
ENTITLED THE PILGRIM,
By Oliver Wait, A. M.

(CONTINUED.)

" Detested Spain ! whose bloody annals tell
Of Demon vengeance and the joys of hell,
Seal of your guilt and witness of your shame,
How oft your streets have seen the bigot flame,
Whose helpless innocence has writh'd in vain,
Bound by the burning torture of the chain,
Whose links slow heated still torment afresh
The straining nerve and sear the hissing flesh,
Till in the rising fury of the fire
Kindly increas'd, the fainting wretch expire.

" Yet this is mercy, one short hour distrest
The dying martyr hails the realms of rest.
Turn we to where confin'd in dungeon cell,
For conscience' sake surviving victims dwell ;
That man whose life to moral guilt unknown,
Incur'd the vengeance of the papal throne ;
Snatch'd ere his youth had ripen'd into man,
The dark allotment of his fate began ;
Years roll'd away, the silence of despair
No ray of hope allow'd to enter there,
No charming sun-beam in that prison glows,
No evening's shades invite him to repose ;

Cold from the stony walls the drizzling damp
Exhales its moisture round his darken'd lamp,
Oft as he turns his wasted form, the weight
Of rusting chains, and massive fetters grate,
Ne'er to be loos'd till death with friendly hand
Burst, of a life too long, the wretched band.

" Hark ! 'tis the song his early boyhood knew
When o'er his native hills his light foot flew,
He calls some name to early boyhood dear,
And scarce suppresses now the rising tear,
As o'er his soul by suffering unremov'd
Steals the fond memory of the maid he lov'd

" Oh wonder not that anguish'd brain,
Unsettled reason long has lost the rein.
Oh wonder not that o'er that anguish'd brow
Anticipated age has thrown his snow ;
Left on itself to prey, the struggling mind
Feeds on the trace that memory leaves behind,
And sorrow oft untimely feast has shed
On youthful limbs and suffering manhood's head.
Peace to thee sufferer, soon the lenient hand
Of rapid time shall burst thy cruel band,
Shall bear thee where from guilt the wicked
cease,
And where from woe the weary rest in peace.
There where thy simple song from lips insane
Shall stamp thy tyrant's guilt of deepest stain,
And earthly sufferings long endur'd shall win
That crown ne'er won by souls oppress'd with
sin."

" Long through the wrecks of years forgot
past,
Thy hallow'd name, Padrona,* still shall last
What though no bigot priests around thy tomb
The requiem chaunt, nor torch thy grave illum
What though around thy stone no beads are
told,
Nor hireling monks their childish pomp unfurl
Yet shall the Spaniard when thy name he hears
In grateful sadness scarce suppress his tears,
Thee, when at evening vespers mild and still,
The breeze declining on the shady hill,
The mountain peasant shall his God address
His fervent prayer thy sacred name shall bless
Thy sainted shade his raptur'd voice shall bless
And Heaven from earth receive one joy
more."

* Nicholas de Padrona who had himself been
an Inquisitor, struck with remorse, abandoned
the holy office, and afterwards by his exertions
procured a temporary suspension of that cruel
institution. A part of one of his very eloquent
speeches on that occasion, may be seen by the
American reader in the " Christian Disciple."

(To be Concluded in our next.)

IMPROMPTU.

Says fair Ophelia, with surprise,
How dark have lately grown my eyes ;
True, sighs a lover, they're arrayed
In mourning, for deaths they've made.